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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,128	10/12/2001	Victor B. Goodman	FIL1-BO98	2425

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EXAMINER

BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/977,128	GOODMAN ET AL.	
	Examiner	Art Unit	
	Tim Brown	3625	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 12 October 2001.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-9 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Claims 1-9 have been examined.

Claim Objections

2. Claim 5 contains a minor typographical error. Claim 5, line 2, recites "of recognizing recognize when a customer" Appropriate correction is requested.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-8 rejected under 35 U.S.C. 102(b) as being anticipated by Bezos et al. (US 6,029,141).**

Regarding claim 1, Bezos et al. teach a method for performing transactions over the internet comprising the steps of:

providing a host web site capable of routing web users from the host web site to other web sites (Abstract; col. 1, lines 50-67; and col. 2, lines 1-18);

arranging with a cooperating vendor web site to accept payment from the host web site in return for the vendor web site's fulfillment of a customer purchase request made by a customer routed to the vendor web site via the host web site (Abstract; col. 1, lines 48-65; col. 6, lines 21-30; col. 7, lines 46-51; and col. 9, lines 54-67);

providing software to be installed on the vendor web site to recognize when a customer has been routed to the vendor web site from the host web site (col. 6, lines 21-30; col. 8, lines 17-31 and 59-67; and col. 10, lines 29-37);

requesting and obtaining customer's payment information by the vendor web site after an affirmative act by the customer is made to make a purchase on the vendor's web site (Abstract; col. 12, lines 42-51; and col. 14, lines 12-20);

transferring customer's payment information from the vendor web site to the host web site when the software on the vendor web site has determined that the customer has been routed to the vendor web site from the host web site (col. 14, lines 38-51);

collecting the funds for the transaction by the host web site using the customer's payment information transferred in the preceding step (Abstract; and col. 15, lines 61-67);

requesting and obtaining additional information necessary to fulfill the customer's purchase request by the vendor web site (col. 3, lines 8-25);

fulfilling the customer's purchase request by the vendor web site (Id.);

and transferring a percentage of the funds collected by the host web site to the vendor web site upon completion of the preceding step (Abstract; and col. 15, lines 61-67).

Regarding claim 2, Bezos et al. teach the method for performing transactions over the internet of claim 1 wherein the host site can route web users to a plurality of vendor sites (Abstract).

Regarding claim 3, Bezos et al. teach the method for performing transactions over the internet of claim 2 wherein the step of fulfilling a customer's purchase request comprises the act of shipping a product to the customer (col. 3, lines 8-25).

Regarding claim 4, Bezos et al. teach the method for performing transactions over the internet of claim 1 further comprising a step for storing information with respect to a plurality of transactions (col. 16, lines 11-41).

Regarding claim 5, Bezos et al. teach the method for performing transactions over the internet of claim 1 wherein the step of recognizing when a customer has been routed to the vendor web site from the host web site comprises the recognition of a cookie placed on the customer's computer by the host web site (col. 13, lines 42-53; and col. 14, lines 1-11).

Regarding claim 6, Bezos et al. teach the method for performing transactions over the internet of Claim 1 further comprising the step of creating a modified URL of the vendor's web site to distinguish customer's routed from the host web site from customers not routed from a host web site (Abstract; and col. 7, lines 21-40).

Regarding claim 7, Bezos et al. teach the method for performing transactions over the internet of Claim 1 further comprising the step of generating a report indicating funds owed to vendor web sites by the host web site (col. 16, lines 11-41).

Regarding claim 8, Bezos et al. teach the method for performing transactions over the internet of Claim 2 further comprising the step of generating a database of information collected from the vendor web sites (col. 16, lines 11-41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. (US 6,029,141) in view of Official Notice.**

Bezos et al. teach all the limitations discussed under claim 1 *supra*. Bezos et al. do not expressly teach tracking the status of each transaction, where the status can be obtained by commands on the host web site. However, the Examiner takes Official Notice that providing customers with online tracking for order submitted over a Website is old and well known in the art. Therefore, at the time of the applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Bezos et al. to include tracking the status of each transaction, where the status can be obtained by commands on the host web site in order to permit customers to determine anticipated product delivery dates as well as order fulfillment status.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Graber (US 5,812,769) Method for redirecting a user to a new location on the World Wide Web

b. Carrott (US 6,334,111) Method for allocating commissions over the internet using tags

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Tim Brown
Examiner
Art Unit 3625

tb
November 4, 2002


JEFFREY A. SMITH
PRIMARY EXAMINER